



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK AYOTTE, KEN MAUER, and JASON
PHILLIPS,

Plaintiffs,

- against -

THE NATIONAL BASKETBALL
ASSOCIATION and NBA SERVICES CORP.,

Defendants.
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22-CV-9666 (VSB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiffs' request at Dkt. 108 for additional deposition time of two hours each for Byron Spruell and Neal Stern, each of whom already has been deposed for 7 hours. The application is denied. The Court has reviewed the deposition transcripts. Plaintiffs had ample opportunity to ask questions and obtain answers relevant to their claims; counsel made tactical decisions as to what questions to pose (no matter how far afield some of those questions may have been), how deeply to question on particular topics, and what answers merited further probing. Defense counsel did not obstruct the depositions, and the directions to the witnesses to read particular documents in full (including documents the deponents had never seen before) were perfectly appropriate and did not consume inordinate time. Further, Plaintiffs have deposed and will be deposing additional employees of Defendants on both the same and additional matters. In short, Plaintiffs have had a full and fair opportunity to depose Mssrs. Spruell and Stern.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt.
108.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RW', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 12, 2024
New York, New York

Copies transmitted this date to all counsel of record.